

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ROBERT WILSON, et al,

Defendant.

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19-CR-625 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

Upon reflection, in light of the extension of Defendants' deadline to file pretrial motions, *see* ECF No. 87, and the difficulty of safely holding an in-person conference at this time due to the ongoing public health situation, the pretrial conference in this case scheduled for January 18, 2021, is hereby **ADJOURNED** to **March 2, 2021**, at **9:30 a.m.**

As counsel are aware, trial in this matter is scheduled to begin on **May 24, 2021**. Given the limited number of courtrooms that can safely be used for jury trials in the coming months, the judges of this District adopted a plan to determine which criminal cases, if any, should be tried in the coming months and when. Under the plan, the Court has until **January 15, 2021**, to submit a request with respect to any case that it wishes to try in the second quarter of 2021. Even then, there is no guarantee under the plan that the Court would get its choice of date(s) — particularly if trial in this case would involve more than two Defendants (given the difficulty of safely accommodating that many trial participants in a courtroom). And, of course, it is unclear whether any jury trials will be feasible in the second quarter of 2021 given the inherent uncertainty of the public health situation.

No later than **January 11, 2021**, the parties shall file a joint letter indicating their views on (1) whether this case should or must be tried before June 30, 2021, or whether trial should be adjourned to later; (2) whether there are dates during the second quarter of 2021 other than May 24, 2021, that all counsel would be available to begin a trial; (3) whether and when the Court should hold a conference to discuss the matter; and (4) whether time should be excluded under the Speedy Trial Act between January 18, 2021, and March 2, 2021. (If the Government believes that such time should be excluded, it should, after conferring with defense counsel, submit a proposed order to that effect by January 11, 2021, as well.)

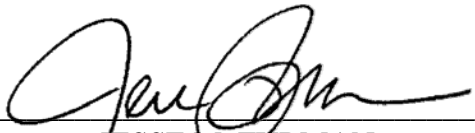
If any party believes that there is a need for a conference in the short term, counsel should indicate their views on whether the Court can, consistent with the Constitution, the Federal Rules of Criminal Procedure, the CARES Act, and any other applicable law, conduct the conference by telephone or video and, if applicable, whether each Defendant consents to appearing in that manner and/or to waiving his/her appearance altogether. (If a Defendant is detained, counsel should also identify the facility in which that Defendant is held. And if a Defendant is not detained, counsel should indicate whether that Defendant would be capable of participating in a telephone or videoconference.) **Counsel is advised that, for the foreseeable future, some facilities (including the Metropolitan Correctional Center and the Metropolitan Detention Center) may require that**

any inmate appearing in court be quarantined for 14 days upon returning from their appearance.

After reviewing the parties' joint letter, the Court will issue an order indicating whether or when it intends to hold a conference and addressing any other relevant deadlines and information. Because the Court may decide to convene a conference between the date of the letter and the January 15th deadline, counsel should indicate in their joint letter dates and times in that window that they (and, if applicable, each Defendant) would be available. In the event of a remote proceeding, counsel should review and comply with the Court's Emergency Individual Rules and Practices in Light of COVID-19, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>.

SO ORDERED.

Dated: January 4, 2021
New York, New York



JESSE M. FURMAN
United States District Judge